

March 30, 1999

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Transportation File No. **V-2345**
Proposed Ordinance No. 1999-0062

FRED LAWRENCE
PETITION FOR ROAD VACATION

Road: A portion of Echo Lake - Snoqualmie Cutoff (located south of the City of Snoqualmie)

Petitioner: Fred Lawrence
PO Box 333
Snoqualmie, WA 98065

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Grant petition
Department's Final:	Grant petition
Examiner:	Grant petition

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for File No. V-2345 was received by the Examiner on March 3, 1999.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on File No. V-2345 was opened by the Examiner at 9:21 a.m., March 18, 1999, in 5th Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, Washington, and closed at 9:42 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	A portion of Echo Lake - Snoqualmie Cutoff (located south of the City of Snoqualmie)
Right of way classification:	"A" Class
Area:	23,814 square feet
Compensation:	\$16,682.60

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the March 18, 1999, public hearing and the statement of facts contained in Proposed Ordinance No. 1999-0062, except as indicated in Finding No. 5, below. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. As noted in the Department's report, paragraph 2 of proposed ordinance No. 1999-0062 suggests that Puget Sound Energy and TCI Cable Company have each secured easements. That statement is incorrect and will be corrected in the ordinance which accompanies this report to the King County Council. No easements are necessary.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Substitute Ordinance No. 1999-0062 to vacate the subject road, as petitioned.

RECOMMENDED this 30th day of March, 1999.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 30th day of March, 1999, to the parties and interested persons named on the attached list.

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before April 13, 1999**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before April 20, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of

Washington, for the purpose of review of the action taken.

MINUTES OF THE MARCH, 1999, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2345, FRED LAWRENCE PETITION FOR ROAD VACATION.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Report to the examiner (2/25/99), with 15 attachments
- Exhibit No. 2 Petition transmittal letter from Clerk of Council to DOT (11/13/96)
- Exhibit No. 3 Letter of explanation from petitioner to Clerk of Council (rec'd 11/13/96)
- Exhibit No. 4 Copy of check #1196 for the non-refundable deposit
- Exhibit No. 5 Petition for vacation of a county road
- Exhibit No. 6 Legal description of Tax Lot 3024089043 (sent with petition to vacate)
- Exhibit No. 7 Legal description of Tax Lot 3024089067 (sent with petition to vacate)
- Exhibit No. 8 Aerial map of vicinity
- Exhibit No. 9 Vicinity map (from Thomas Bros. pg. 630, A-3)
- Exhibit No.10 Map depicting vacation area
- Exhibit No.11 Copy of acquisition deed #7312070320
- Exhibit No.12 Copy of acquisition deed #7312070321
- Exhibit No.13 Copy of letter from LUSD to petitioner (9/12/96)
- Exhibit No.14 Letter from Road Services Division to petitioner (12/5/96)
- Exhibit No.15 Road vacation worksheet v-2345.XLS
- Exhibit No.16 Letter from DOT Road Services Division to petitioner (11/5/97)
- Exhibit No.17 Letter to Lawrence from Road Services Division (11/13/97)
- Exhibit No.18 Copy of petitioner's check #9943 for \$16,682.60
- Exhibit No.19 Letter from KC Executive to Council member Miller)2/3/99)
- Exhibit No.20 Proposed ordinance 1999-0062
- Exhibit No.21 Notice of hearing and a map
- Exhibit No.22 Affidavit of posting
- Exhibit No.23 Letter from Burdette to Lawrence (3/3/99)
- Exhibit No.24 Affidavit of publication

RST:daz
Attachments
V-2345 rpt